

DEC 16 2004

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Substitute for form 1449-PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/722,184
		Filing Date	November 25, 2003
		First Named Inventor	Phillips
		Art Unit	1625
		Examiner Name	Unknown
Sheet 1	3	Attorney Docket Number	03207556

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	4620008	10/28/86	Brandstrom, et al.	
	A2	4628098	12/09/86	Nohara et al.	
	A3	4636499	01/13/87	Brandstrom, et al.	
	A4	4689333	08/25/87	Nohara et al.	
	A5	4725691	02/16/88	Brandstrom, et al.	
	A6	5219870	06/15/93	Kim	
	A7	5232706	08/03/93	Coll	
	A8	5244670	09/14/93	Upson, et al.	
	A9	5288506	02/22/94	Spickett, et al.	
	A10	6068859	05/30/00	Curatolo et al.	
	A11	6262085	07/17/01	Whittle et al.	
	A12	6262086	07/17/01	Whittle et al.	
	A13	6268385	07/31/01	Whittle et al.	
	A14	6489346	12/03/01	Phillips	
	A15	6328993	12/11/01	Linder et al.	
	A16	2003/0144306	07/21/03	Phillips	
	A17	6608091	08/19/03	Whittall et al.	
	A18	6608092	08/19/03	Fujishima et al.	
	A19	6608210	08/19/03	Naka et al.	
	A20	6623759	09/23/03	Heese et al.	
	A21	2003/0181457	09/25/03	Orme et al.	
	A22	2003/0199580	10/23/03	Kishi et al.	
	A23	6645988	11/11/03	Phillips	
	A24	2003/0211147	11/13/03	Cullen et al.	
	A25	6649609	11/18/03	Teuber et al.	
	A26	2003/0215527	11/20/03	Phillips	
	A27	2003/0225136	12/04/03	Whittle et al.	
	A28	6664276	12/16/03	Fujishima et al.	
	A29	6677455	01/13/04	Kronstrom et al.	
	A30	2004/0010151	01/15/04	Finkelstein et al.	
	A31	6699885	03/02/04	Phillips	
	A32	2004/0048896	03/11/04	Phillips	
	A33	2004/0058018	03/25/04	Phillips	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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		Filing Date	November 25, 2003	
		First Named Inventor	Phillips	
		Art Unit	1625	
		Examiner Name	Unknown	
Sheet	2	3	Attorney Docket Number	03207556

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	†*
		Country Code ² -Number ³ -Kind Code ⁴ (if known)				
	B1	EP 0040639	12/02/81			
	B2	EP 0670160	07/14/99			
	B3	EP 1043977	10/22/03			
	B4	EP 1375497	01/02/04			
	B5	JP 51 017268	06/01/76			
	B6	JP 59 095997	06/02/84			
	B7	JP 05 194224	08/03/93			
	B8	WO 8900566	01/26/89			
	B9	WO 9003184	04/05/90			
	B10	WO 9009175	08/23/90			
	B11	WO 9221331	12/10/92			
	B12	WO 9313138	03/21/95			
	B13	WO 95/32958	12/07/95			
	B14	WO 9936060	07/22/99			
	B15	WO 0113919	03/01/01			
	B16	WO 0151050	07/19/01			
	B17	WO 03009846	02/06/03			
	B18	WO 0001372	07/08/03			
	B19	WO 03061584	07/31/03			
	B20	WO 03063927	08/07/03			

NON PATENT LITERATURE		
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	C1	"Agents for Control of Gastric Acidity and Treatment of Peptic Ulcers", Chapter 37, pp. 907-909, 1768.
	C2	"Buffered and Isotonic Solutions", <u>Physical Pharmacy</u> , Chapter 8, pp. 169-189.
	C3	ADAMS, S. P., et al., "Comments on the Report of 'association' of Omeprazole with DNA by Phillips, et al.", <u>Mutagenesis</u> , Vol. 7, No. 5, pp. 395-396 (September 1992).
	C4	AIHARA, Takeshi et al., "Pharmacological Control of Gastric Acid Secretion for the Treatment of Acid-related Peptic Disease: Past, Present, and Future", <u>Pharmacology & Therapeutics</u> 98, pp. 109-127 (2003).
	C5	AMERICAN MEDICAL ASSOCIATION, Division of Drugs and Toxicology Department of Drugs, "Drug Evaluations Annual 1992", Vol. 2 (1992).

Examiner Signature	Date Considered
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Complete if Known

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Sheet	3		3
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This collection of information is required by 37 CFR §§ 1.7 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. The inventor(s) must complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form or your suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/722,184
Applicant: Phillips
Filed: November 25, 2003
Art Unit: 1625
Examiner: Unknown
Title: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE
FORMS AND METHOD OF USING SAME
Docket No.: 03207556
Customer No.: 26565

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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fee: Robin Cali


Signature

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO/SB/08A and PTO/SB/08B forms. This Information Disclosure Statement is being filed before the first Office Action on the merits; and therefore the Applicant believes no fee is required.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form. Copies of the listed foreign patent documents and non-patent literature are submitted herewith in accordance with 37 CFR § 1.98(a)(2). Pursuant to MPEP 609(A)(III)A(2) (page 600-128, Rev. 2, May 2004), copies of U.S. Patent documents are not submitted as the present application was filed after June 30, 2003.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each of all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Applicant would also like to notify the Examiner that the following currently pending U.S. Patent Applications are related family members: 10/407,552, 10/795,860, 10/418, 410, 10/641,732, 10/722,184, 10/797,374 and 10/898,135.

The Commissioner is hereby authorized to charge any additional filing fees required under Rule 1.17 concerning this transaction, or to credit any overpayment to Deposit Account 13-0019.

Respectfully submitted,



David B. Fournier
Reg. No. 51696

Date: December 16, 2004

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